



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MICHAEL J. SULLIVAN

DIRECTOR

December 14, 1994  
AO-94-40

Michael Duffy, Chairman  
Massachusetts Commission Against Discrimination  
One Ashburton Place, Room 601  
Boston, MA 02108

Re: Solicitation of funds for the "Log Cabin Republicans"

Dear Mr. Duffy:

This letter is in response to your November 18, 1994 letter requesting an advisory opinion regarding the propriety of your chairing a fundraising event for the "Log Cabin Republicans."

You have stated that you have recently been invited to chair a fundraising event for the Log Cabin Republicans (LCR). You have asked if your status as a public employee would prohibit your raising money for this organization. For the reasons which follow, your fundraising for LCR would not be consistent with M.G.L. c. 55, s. 13.

Section 13 provides, in relevant part, that:

No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever, . . . . (Emphasis added).

Persons employed for compensation by the commonwealth, or any of its political subdivisions, would be precluded from fundraising on behalf of LCR only if the activities of LCR are undertaken for a "political purpose."<sup>1</sup> This office differentiates between "political" activities and "humanitarian" or "civic" activities. See AO-85-17 (Amnesty International's activities are more humanitarian than

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<sup>1</sup> A Log Cabin Political Action Committee has registered with this office. Section 13 would clearly prohibit your fundraising for this or any other PAC. For the purpose of this opinion, we assume that the event described in your letter is sponsored solely by the LCR **and** that the PAC will not directly or indirectly receive any monies from the event.

political); AO-86-03 (International Physicians for the Prevention of Nuclear War and Oxfam America are more humanitarian than political); AO-87-06 (Berkshire Advisory Council of the Massachusetts Commission Against Discrimination "focuses primarily on humanitarian, rather than political causes"); and AO-90-11 (the Women's State-Wide Legislative Network of Massachusetts, which trains women to participate in the public policy process, deemed more "civic" than "political."

You have provided the Log Cabin Republicans' bylaws and other information relating to the organization's mission. LCR is a non-profit, 501(c)(4) tax-exempt corporation incorporated in the District of Columbia. The organization's purpose, as stated in the bylaws, is as follows:

The purpose and business of the corporation shall be to advance the legislative and policymaking interests of the American gay and lesbian community within the Republican Party. The corporation and its members will work with elected and appointed officials to advocate the development of legislation and Republican Party policies which: (1) encourage gay and lesbian participation in national and local Party activities; (2) provide equal rights to members of the gay and lesbian community; and (3) avoid discrimination against or harassment of gays and lesbians.

According to other information you provided, LCR has stated that its mission "is to promote the federal legislative and policy interests of gay Republicans and to educate and inform the Republican National Committee and other national GOP organizations about the concerns of the gay community." In addition:

One of LCR's primary goals is to ensure that the Republican Party fulfill its promise to be a party of principles, a party of ideas, and a party of inclusion. By educating the party at various levels about the gay community, we will work to dispel the unfounded fears and misperceptions that have a negative impact on party positions. LCR is dedicated to working toward a practical resolution of the divisions in the GOP over gay rights, one which values the concept of inclusion rather than absolutism. [Emphasis added]. . .

As part of our informational mission, LCR will comprehensively track GOP candidate positions on gay-related issues, monitor gay supportive and anti-gay donations to GOP candidates, compile data on gay voter impact in federal, state, and local elections.

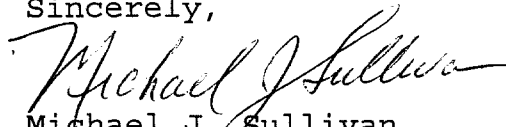
Section 13 demonstrates "a general legislative intent to keep political fund raising and disbursing out of the hands of nonelective public employees. . ." Anderson v. City of Boston,

376 Mass. 178, 186-187 (1978). Political fund raising prohibited by section 13 includes fund raising intended to benefit a political party.

Although I recognize that the LCR's activities contain a substantial "civic" element, the efforts of LCR would be deemed primarily "political" because of the organization's support of the Republican party. However, if an organization promoting gay-related issues operated in a non-partisan manner, e.g., by seeking increased participation of the gay and lesbian community in political activity, in general, it might be considered primarily a "civic" as opposed to a "political" organization.

This opinion has been rendered solely on the basis of representations made in your letter, the assumptions noted above, and solely in the context of M.G.L. c. 55.

Sincerely,

  
Michael J. Sullivan  
Director

MJS/cp